

SCRUTINY BOARD (SUSTAINABLE ECONOMY AND CULTURE)

TUESDAY, 17TH SEPTEMBER, 2013

PRESENT: Councillor M Rafique in the Chair

Councillors D Cohen, M Lyons,
P Wadsworth, R Harington, M Ingham,
J McKenna, J Chapman, D Coupar, A Khan
and N Buckley

30 Recording of Meeting

The Chair reported that a request had been made by a member of the public to record the meeting.

RESOLVED – That the request be refused but that the member of the public be offered a copy of the council's recording of the meeting.

(Councillor Cohen requested that it be noted that he was in favour of allowing the member of the public to record the meeting.)

31 Late Items

There were no formal late items of business to consider. However the Chair agreed to accept the following items as supplementary information:

- Scrutiny Inquiry - West Park Centre – Condition survey 2009; West Park Centre Audit Chronology; and West Park Centre Closure Internal Audit Review findings (Agenda item 7) (Minute 35 refers)
- Draft terms of reference – Scrutiny Board inquiry on Jobs and Skills (Agenda item 9) (Minute 37 refers)
- Work Schedule - Minutes of the Executive Board meeting on 4 September 2013 (Agenda item 10) (Minute 38 refers)

32 Declaration of Disclosable Pecuniary Interests

There were no disclosable pecuniary interests declared at the meeting.

33 Apologies for Absence and Notification of Substitutes

Apologies for absence were received from Councillor A Castle, with Councillor N Buckley in attendance as a substitute.

34 Minutes - 16 July and 6 August 2013

In relation to minute 17, the Chair and Principal Scrutiny Adviser confirmed that a letter had been sent to NHS Leeds regarding the possible inclusion of

the Quarry Hill facilities in the Leeds Let's Get Active Scheme, but that a response was still awaited.

RESOLVED – That the minutes of the meetings held on 17 July and 6 August 2013 be confirmed as a correct record.

35 Scrutiny Inquiry - West Park Centre

The Board carried out its inquiry examining the temporary closure of the West Park Centre in the autumn of 2012 and the deterioration of the Centre's condition leading up to that time. Members were provided with a joint report from the Directors of City Development and Children's Services as background information, and also with reports and minutes from the North West (Inner) Area Committee, which had initiated the original request for scrutiny on the centre's closure. Two additional papers from November 2012 relating to an internal audit review were tabled at the meeting.

In attendance to address the Board and answer Members' queries were:

- Councillor Richard Lewis, Executive Member for Development and the Economy
- Councillor Javaid Akhtar, Chair of the North West (Inner) Area Committee
- Christine Addison, Chief Asset Management and Regeneration Officer
- Neil Charlesworth, Community Assets Officer
- Chris Coulson, Executive Officer, Asset Management
- Sarah Sinclair, Chief Officer, Children's Services (Strategy, Commissioning and Performance)
- Charlotte Foley, Lead Officer for the Built Environment, Children's Services
- Victoria Jaquiss, West Park Centre Campaign Group
- Lorraine Cowburn, Musical Ark.

Christine Addison introduced the report and outlined the history of the building and its maintenance since it stopped being used as a school. In particular she focused on the period since 2003 when the building was first identified as surplus to Education Leeds requirements and deemed not to be a priority for maintenance expenditure. She also explained the closure process that took place in November 2012 and the decision-making leading up to that point. It was acknowledged that, with the benefit of hindsight, there were a number of aspects of the Centre's management that could have been handled better.

Councillor Lewis confirmed that, in his view, he had no alternative but to support the temporary closure of the centre on health and safety grounds in the light of the briefing he received.

Sarah Sinclair endorsed Christine Addison's summary but also highlighted the absence at the time of clear procedures for closing a building, which needed to be addressed.

Victoria Jaquiss and Lorraine Cowburn outlined their views as centre users. Whilst they agreed that it was right to have taken the decision to temporarily close the building on the basis of the safety issues, their main concern was that the focus of attention had been placed on the building and its condition rather than its occupants and what the centre provided as a focus for the arts across the city. They explained the investment that various groups had made in the centre and the ongoing difficulties being faced to keep operating.

Councillor Akhtar outlined the Area Committee's involvement in the issue, including the referral to the Scrutiny Board so that lessons can be learned for the future. He referred to examples where former council buildings had successfully become community buildings, such as Shine and Heart.

The following issues were raised in discussion:

- The relationship between Asset Management and departments and the respective responsibilities for the maintenance and safety of buildings.
- The history of the building's transfer from Education Leeds and then Children's Services to Corporate Property Management.
- That, with the benefit of hindsight, a decision to close the centre should probably have been made several years ago.
- An acknowledgement that the event on 3 November should not have been allowed to take place in the centre, but that the officers involved acted in good faith on the basis of the advice available to them on the day.
- The need to have clear processes and procedures for the future where building closures may be required.
- The potential role of the Emergency Planning service.
- Clarification of work carried out to ensure that there are no other council buildings that pose a similar health and safety risk.
- The limitations on funding available for building maintenance.
- The extent to which income generation is a factor in considering the future of council buildings.
- The extent of consultation with Area Committee members and centre users.
- The aspirations of the community to recreate a community venue with the synergy they enjoyed at West Park.
- The ongoing need to work with the organisations that were displaced.
- The possibility of external funding being available to support local community organisations to develop a facility to meet their needs, and the role of community asset transfer.

Members also requested that the guidance provided to members of the public taking part in scrutiny inquiries be reviewed to ensure it was fit for purpose.

RESOLVED - That the issues raised by the inquiry be noted and that a report be drafted including the board's conclusions and recommendations.

(Councillor N Buckley left the meeting at 11.50 at the conclusion of this item.)

36 Community Infrastructure Levy - Draft Charging Schedule

The Board received a report on the draft charging schedule for the Community Infrastructure Levy (CIL). Members were invited to comment on the draft schedule prior to its presentation to the Executive Board on 9 October 2013.

In attendance to address the Board and answer Members' questions were:

- Councillor Peter Gruen, Executive Member for Neighbourhoods, Planning and Support Services
- Steve Speak, Deputy Chief Planning Officer
- Tom Ridley, Senior Planner.

Steve Speak outlined the work carried out in preparing the CIL draft charging schedule and the consultation already carried out, including the role of the Development Plan Panel. The current timetable aimed to approve the draft schedule in advance of further changes in the regulations, and to have the schedule formally agreed and in place by April 2014.

Councillor Gruen drew the Board's attention to the table of CIL rates, and the changes that had been made in the light of consultation comments. He also highlighted the instalments policy.

Members raised the following issues in discussion:

- Members welcomed the fact that payment of the CIL would become due as soon as a development commenced on site.
- Clarification that only the very largest developments would qualify for the two year instalment period for payment.
- A suggestion from some Board members that consideration could be given to setting a lower retail rate for town centres in some parts of the city where retail development was positively encouraged (for example Armley, Bramley, Chapeltown).
- The lack of an evidence base to support such a move, which would be needed to satisfy the formal public examination stage. Members were also reminded that there were other mechanisms that are available to encourage development in these areas.
- Discussion of the robustness of the proposed CIL rates, particularly in light of the reductions in some rates from the preliminary draft.
- The development of the Regulation 123 list, and the fact that the CIL would generate only a small proportion of the infrastructure funding identified as being required in the city.
- The place of the CIL within the wider planning process.
- The continuing use of Section 106 for certain matters, alongside the new CIL mechanism.
- The uncertainties for all associated with the newness of the CIL process.
- Confirmation that, once set, any change to the CIL rates would be required to go through a similar process to the current approval regime.

The Board also noted that decisions on spending priorities and local apportionment of the CIL was a separate workstream, for consideration at a later date. Members requested that the Scrutiny Board be notified of the timetable for this work and be given the opportunity to be involved at the appropriate time.

RESOLVED – That the Principal Scrutiny Adviser produce a summary of the Board's comments to be submitted with the report to the Executive Board meeting on 9 October 2013.

(Councillors J Chapman and M Ingham left the meeting at 12.20 during discussion of this item.)

37 Draft terms of reference - Scrutiny Board inquiry on Jobs and Skills

Consideration of this item was deferred until the next meeting of the Board on 8 October 2013. It was agreed that it would be the first main agenda item.

38 Work Schedule

The Board received a report of the Head of Scrutiny and Member Development which set out the latest version of Board's work schedule. The report also presented the Executive Board minutes for Members' information.

RESOLVED –

- a) That the work schedule be agreed
- b) That the minutes of the Executive Board meetings on 17 July and 4 September 2013 be noted.

39 Date and Time of Next Meeting

Tuesday 8 October 2013 at 10.00am (a pre-meeting will start at 9.30am for Board members).

(The meeting finished at 1.00pm)